



Express Mail No. EV 856 525 US

\$ 3731

Handwritten signature/initials

#21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Broome *et al.*

Art Unit: 3731

Serial No.: 09/723,003

Examiner: Kevin Truong

Filed: November 27, 2002

For: DISTAL PROTECTION DEVICE AND
METHOD

Attorney Docket No.: 10177-108-999

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(a)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 27 2003

TECHNOLOGY CENTER R3700

Sir:

Applicant hereby requests that the above-identified application be withdrawn from issuance before payment of the issue fee, which is due October 10, 2003.

After receipt of a notice of allowance for the captioned application, Applicant discovered that several documents that had been filed ("submissions") were not entered into the file. Specifically, six submissions, including an associate power of attorney to the undersigned, were filed by the undersigned attorney. These submissions made substantive changes to the claims but were not entered into the application file. Accordingly, Applicant petitions, pursuant to 37 C.F.R. § 1.313(a), that this application be withdrawn from issue before payment of the issue fee in order to have these submissions entered, accorded their proper dates of filing and considered by the Examiner.

The Commissioner is authorized to charge the fee of \$130.00 as set forth in §1.17(h) and any additional fee required, or credit any overpayment, for this petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date August 21, 2003


Thomas E. Friebel (Reg. No.) 29,258

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

08/25/2003 KBETENR1 00000046 161150 09723003

01 FC:1460 130.00 DA

NY2: 1456110.1

Match and Return